

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF COMPLIANCE BY )	ADMINISTRATIVE ORDER
Dan Morrison )	DOCKET NO.8742
A2Z Enterprises LLC )	
With Chapter 90.03. RCW )	

To: Dan Morrison  
A2Z Enterprises LLC  
408 East Scribner Road  
Port Angeles, WA 98362

The Department of Ecology is responsible for the supervision of public waters within the State and their appropriation, diversion (withdrawal), and use.

The Department of Ecology has become aware that Dan Morrison/A2Z Enterprises LLC diverted surface water for a beneficial use without the proper authorization as required by Revised Code of Washington (RCW) 90.03.250. Ecology has the authority to regulate these activities under RCW 43.27A.190

**CEASE AND DESIST ORDER**

In accordance with RCW 43.27A.190 and RCW 90.03.605, IT IS ORDERED that Dan Morrison/ A2Z Enterprises LLC shall cease and desist from any further diversion or withdrawal of water until such time as authority to do so is obtained through a permit or certificate or other approval issued by the Department of Ecology.

**YOUR RIGHT TO APPEAL**

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 Washington Administrative Code (WAC). "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320.

**ADDRESS AND LOCATION INFORMATION**

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

**MORE INFORMATION**

- **Pollution Control Hearings Board**  
[www.eho.wa.gov/Boards\\_PCHB.aspx](http://www.eho.wa.gov/Boards_PCHB.aspx)
- **Chapter 43.21B RCW – Environmental Hearings Office – Pollution Control Hearings Board**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice and Procedure**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Laws:** [www.ecy.wa.gov/laws-rules/ecyrcw.html](http://www.ecy.wa.gov/laws-rules/ecyrcw.html)
- **Rules:** [www.ecy.wa.gov/laws-rules/ecywac.html](http://www.ecy.wa.gov/laws-rules/ecywac.html)

**SIGNATURE**

Sincerely,

  
Michael J. Gallagher  
SWRO Program Manager  
Water Resources Program



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

May 18, 2011

Dan Morrison  
A2Z Enterprises, LLC  
408 Scribner Road  
Port Angeles, WA 98362

Dear Mr. Morrison:

Re: Application for Change of Surface Water Right Application No. CS2-SWC6785

The Department of Ecology received a letter of protest from Dry Creek Water Coalition in response to the legal notice you recently published for the above-referenced change application.

Ecology's letter dated March 31, 2011 required you to submit an Affidavit of Publication from the newspaper in which your notice was published. You must submit the original notarized affidavit as soon as possible. You will also need to submit the information requested in Tammy Hall's March 30, 2011 letter in order for us to begin processing this application for a decision.

If you have any questions concerning this letter, please contact me at (360) 407-0279 or [mpet461@ecy.wa.gov](mailto:mpet461@ecy.wa.gov).

Sincerely,

A handwritten signature in cursive script that reads "Marie Peter".

Marie Peter  
Water Resources



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

May 18, 2011

Attn: Arnold Schouten  
Dry Creek Coalition  
367 Walkabout Way  
Port Angeles, WA 98363

Re: Application for Change of Surface Water Right CS2-SWC6785

Dear Mr. Schouten:

We received your letter protesting the above-referenced application filed by A2Z Enterprises, LLC, and the statutory \$50.00 fee. Your letter of protest is acknowledged and has been made a part of the permanent record for this file.

Your objections will be fully considered together with other information gathered during the evaluation of this application. No further action is required on your part. Upon completion of our review, you will receive a copy of the Report of Examination which will include our findings of fact and recommendation.

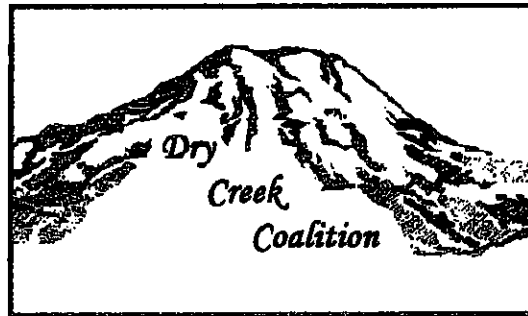
If you have any questions, please contact me at (360) 407-0279 or [mpet461@ecy.wa.gov](mailto:mpet461@ecy.wa.gov)

Sincerely,

Marie Peter  
Water Resources Program







**Mission Statement**

The Dry Creek Coalition shall identify and address community development and land use issues that affect our homes, our safety and our way of life, and seek to enlist all interested parties in legal efforts to channel developing issues into acceptable resolutions.

May 3, 2011

Washington State Department of Ecology  
Cashiering Unit P.O. Box 47611  
Olympia, WA 98504-7611

**Subject: Response to Peninsula Daily News Legal Notice of April 26, 2011: Notice of Application to add purposes of use and change the point of diversion to existing water rights.**

The Dry Creek Coalition (DCC) objects to DOE approval of the A2Z Enterprises LLC application to add purposes of use and change the point of diversion of existing rights granted under Surface Water Right Certificate No. 6785.

**Points of Fact:**

**Fact #1:** The 113 acre property covered by the A2Z Enterprises LLC (A2Z) is divided by Dry Creek with approximately 22 acres lying to the east of the creek and the remainder to the west of the creek. This property is zoned Heavy Industrial by the City of Port Angeles and has been annexed into the city but has not been provided with city water and sewer services.

**Fact #2:** This property lies within the heart of the Dry Creek watershed, an area of eight (8) square miles. This 113 acre property consists of one-half to two-thirds of its total area properly classified as wet lands. This was verified by a Cooke Scientific wetland delineation study, sponsored by DCC, in December 2006. A copy of that study was provided to DOE (Mr Mraz) in a 7 February 2007 transmittal letter.

**Fact #3:** Section 1.0 of WRIA #18 states, inter alia: "Watershed planning occurs under enabling legislation passed in 1998, and is closely tied to planning for other water and watershed resources, including salmon recovery, local land use planning, stormwater management, ..." WRIA #18 Chapter 2.5, pg 2.5-5 states, "Water within Dry Creek may be lost to infiltration during the summer season"; indeed stream flow in the upper A2Z

property area is reduced to very low volume for long periods during most summers. Withdrawl of 90 gallons per minute from two wells would very likely have a very adverse impact upon Dry Creek water flow and the acquatic and avian life which it supports. Additionally, it would have measureable adverse impact upon the extensive wetland area of the A2Z property and upon water wells of adjacent property owners.

Fact #4: On February 8, 2006 the DCC requested a Washington State Fish and Wildlife surveyor assist in a Dry Creek stream survey. During that survey the DF&W located and documented multiple Steelhead salmon spawning in the Dry Creek streambed. This documentation was forwarded on 22 January 2007 to DOE in response to a legal notice for comment on City of Port Angeles landfill stormwater management issues.

Fact #5: A2Z partners did conduct a meeting with DCC membership prior to their purchase of the property from the Port of Port Angeles. At that meeting A2Z provided their land use plan for Sprint Boat racing on an approximate twice yearly basis. DCC had no objections to their plan but stated that we would not agree to land uses which would: 1) Create a net removal of water from Dry Creek and/or 2) Have an adverse impact upon the extensive wetland area of that property. DCC notes with concern that plans now include an expanded public use RV park and a possilbe public use vehicle rock climbing course, all without a provision for water and sewage facilities.

Fact #6: Upon DOE approval of 90 gpm water withdrawl from wells on the A2Z property, that approved water resource together with the existing Heavy Industrial zoning would allow sale of the property for practically any heavy industrial usage. Environmental impact upon Dry Creek, spawning Steelhead salmon habitat, the adjoining wetlands and upon our community would be adverse, unacceptable and would thus clearly violate the legislature's 1998 mandate.

Conclusion: DCC **DOES NOT** support the A2Z application for increased water right limits.

Sincerely,



Arnold Schouten  
President  
367 Walkabout Way  
Port Angeles, WA 98363

**For Quality of Life in the Dry Creek Area**